

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHNNY R. CORDREY, N81774

Plaintiff,

vs.

MICHAEL P. ATCHISON, et al

Defendants.

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CIVIL NO. 13-cv-0104-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

On February 28, 2013, Plaintiff was ordered to pay the full filing fee of \$350.00 for this action no later than March 21, 2013 (Doc. 8). On April 4, 2013, Plaintiff was given an extension of time to pay the filing fee by April 11, 2013 (Doc. 12). Plaintiff was clearly warned in both of those Orders that failure to pay the full filing fee of \$350.00 would result in dismissal of this case. The date to pay the full filing fee has passed, and Plaintiff has failed to do so. As a result, this action is **DISMISSED** without prejudice, for failure to comply with an Order of this Court. **FED. R. CIV. P. 41(b)**. *See generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall **NOT** count as one of Plaintiff's three allotted "strikes" under 28 U.S.C. § 1915(g). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The Clerk's Office is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: April 25, 2013

s/J. Phil Gilbert
United States District Judge